

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS  
CENTRAL DIVISION

HEWLETT-PACKARD COMPANY and )  
HEWLETT-PACKARD )  
DEVELOPMENT COMPANY, L.P. )

Plaintiffs, )

v. )

ICL NETWORK SOLUTIONS (HK), )  
LIMITED, )

Defendant. )

Civil Action No.

05-40153 FDS

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**AFFIDAVIT OF LISA McPHERSON IN SUPPORT OF PLAINTIFFS'  
APPLICATION FOR TEMPORARY RESTRAINING ORDER AND  
ORDER TO SHOW CAUSE**

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I, Lisa McPherson, hereby depose and state as follows:

1. I am a Corporate Investigator for Pinkerton Consulting and Investigations and am currently assigned to Hewlett-Packard Company. I am headquartered in Houston, Texas and reside in Cypress, Texas, Harris County. I make this statement in support of Plaintiffs' Application For A Temporary Restraining Order And Order To Show Cause. Except as otherwise indicated in this affidavit, the facts stated herein are known to me of my own personal knowledge and if called upon to do so, I could and would testify thereto.

2. In the course of my duties in the Hewlett-Packard Supply Chain Product and Brand Security Division, I regularly investigate, track, locate, and identify goods sold by third parties that bear counterfeit marks of Hewlett-Packard Company and Hewlett-Packard Development Company, L.P. (hereinafter collectively referred to as "Hewlett-Packard"). In this capacity, I am familiar with the legitimate, authentic Hewlett-Packard hard drives, including their list price.

3. In late August, 2005, Hewlett-Packard became aware that ICL Network Solutions (HK) Limited ("ICL") was offering for sale hard drives bearing counterfeit HP Marks when a potential customer of ICL contacted Hewlett-Packard. ICL had contacted the potential customer, inquiring about his interest in purchasing two different models of Hewlett-Packard hard drives (HP Part Nos. 286776-B22 and 286778-B22) for \$200 and \$330, respectively. The list prices for Part Nos. 286776-B22 and 286778-B22 are \$299 and \$529, respectively. The potential customer was informed by ICL that it had available for sale 180 units of 286776-B22 and 175 units of 286778-B22 and that those units were being held by Worcester County Air Freight, Inc., a freight forwarder, at 135 Southbridge Street, Auburn, Massachusetts. At the request of the potential customer, ICL sent via Federal Express samples of the hard drives for the customer's inspection, two of which (one of each model) the customer forwarded to Hewlett-Packard.

4. If ICL learns that it has been caught trafficking in counterfeit goods, the hard drives currently located at Worcester County Air Freight could be sold in bulk to another distributor or otherwise moved to a different location very quickly. In my experience, unless a distributor of

counterfeit goods is not prevented from selling or otherwise distributing counterfeit goods, the goods disappear. Sale of counterfeit goods does great harm to Hewlett-Packard as sales are lost and customers blame Hewlett-Packard for inferior goods sold under its label.

Signed under the pains and penalties of perjury this 1st day of September, 2005.

Lisa McPherson  
LISA McPHERSON  
September 1, 2005